

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES LIFE INSURANCE)
COMPANY OF AMERICA IN THE CITY)
OF NEW YORK,)

Plaintiff,)

v.)

RONNIE JAMES HERRING,)

Defendant.)

CASE NO. 3:07-CV-1071-WKW

ORDER

Before the court is a Suggestion of Bankruptcy on the Record and Stay of the Proceedings (Doc. # 22), in February 19, 2008, the court entered an order (Doc. # 23) directing the parties to show cause why this case should be not dismissed without prejudice to the right to refile after the bankruptcy proceeding was completed. Each party filed a response stating a preference that the case not be dismissed so that the parties do not have to incur the time, costs, and fees associated with refiling.

It is ORDERED that:

1. Plaintiff's Motion to Dismiss Defendant's Counterclaims (Doc. # 13) is DENIED without prejudice, and the plaintiff has leave to refile. The court is denying the motion for administrative reasons.

2. It is CONSIDERED and ORDERED that, pursuant to 11 U.S.C. § 362(a), this litigation be and the same is hereby STAYED.

3. Defendant James Herring is DIRECTED to file a joint status report with the court on the status of the bankruptcy proceedings and the automatic stay **on April 1, 2008**, and on the first day of each subsequent month.

Done this 10th day of March, 2008.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE